IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 24587 of 2007(B)

OA.338/2003 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

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1. BENNY PAUL PETER
   PARTNER,
   M/S. NOVABHARAT SPICES
   MAJUMMEL KUDIYIL HOUSE, KEERAMPARA,
   KOTHAMANGALAM, ERNAKULAM DISTRICT

2. M.O.PATHROSE,
   MANJUMMEL KUDIYIL HOUSE
   KEERAMPARA, KOTHAMANGALAM
   ERNAKULAM DISTRICT

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. STATE BANK OF INDIA
   REPRESENTED BY MANAGING DIRECTOR
   STATE BANK BHAVAN, MADAME CAMA ROAD
   NARIMAN POINT, BOMBAY-400021

2. BRANCH MANAGER,
   STATE BANK OF INDIA, ADIMALI BRANCH
   KANNATTU BUILDING, KALLAR-OOTTY ROAD,
   IDUKKI DISTRICT

3. REGIONAL MANAGER
   STATE BANK OF INDIA
   TRIVANDRUM

BY ADV. SRI.K.K.CHANDRAN PILLAI, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF PARTNERSHIP DEED DT.1.6.1993 BETWEEN 1ST PETITIONER AND C.V.MATHAI.

P2: TRUE COPY OF PARTNERSHIP DEED DT.1.4.2000.

P3: TRUE COPY OF LETTER DT.9.10.2000 GRANTING INDIVIDUAL LIMIT.

P4: TRUE COPY OF O.A. NO.338/03 FILED BY BANK BEFORE THE DRT.

P5: TRUE COPY OF I.A. 976/04 FILED BY PETITIONER IN O.A. 338/03.

P6: TRUE COPY OF I.A. 1362/06 FILED BY 2ND PETITIONER IN O.A. 338/03.

P7: TRUE COPY OF PASS BOOK PRODUCED BY BANK IN O.A. 338/03.

P8: TRUE COPY OF APPLICATION DT.2.8.2007 FILED BY PETITIONERS REQUESTING THE BANK FOR ONE TIME SETTLEMENT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.24587 of 2007

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Dated this the 4th day of September, 2007.

JUDGMENT

There is already an interim order on 17.8.2007 directing the first respondent-Bank to consider petitioners' request for settlement under OTS scheme. Counsel for the Bank submitted that delay is on account of change of Branch Manager and holidays in between. Since the amount involved is fairly high, the Branch Manager may need instruction from higher authorities. In the circumstances, W.P. is disposed of directing the second respondent to place the file before the concerned Senior Manager or Controlling Officer and communicate incentives to the petitioners for settlement. The petitioners should inform the second respondent about the timeframe within which payment exclusive of incentives will be made for the Bank to consider incentives to the petitioners, which should be done within two weeks from today. If there is no settlement, then the DRT will proceed to consider all contentions raised by the petitioners including maintainability and final orders should be passed within a period of four months from the date of production of copy of this judgment by either party.

C.N.RAMACHANDRAN NAIR
Judge

pms